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In re Application of
Ian Ashley Price
Application No. 09/125,114
Filed: August 18, 1998
Attorney Docket No. P8129-8004

DECISION ON PETITION

This is a decision on the petition filed on March 27, 2001, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to timely file a proper reply to the final Office action mailed June 15, 2000. This Office action set a shortened statutory period for reply of three (3) months from the mailing date of the action. On December 12, 2000, applicant replied with a request for continued examination under 37 CFR 1.114, made timely by an accompanying petition for an extension of time. However, this reply, including only an IDS as a submission, was determined by the examiner not to be responsive to the outstanding Office action. Accordingly, the above-identified application became abandoned on December 16, 2000. A Notice of Abandonment was mailed on March 15, 2001.

With the instant petition, the petitioner filed a request for a continued prosecution application (CPA) of the above-identified application under 37 CFR 1.53(d), and met all other requirements for a grantable petition under 37 CFR 1.137(b). 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of the CPA, filed March 27, 2001.

Receipt of the request for reconsideration of information disclosure statement (IDS), submitted with the petition, is acknowledged.

The application file is being forwarded to Technology Center 1600 for processing of the CPA, with preliminary amendment and request for reconsideration of IDS.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

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